



Washington State  
Department of Health  
Board of Osteopathic Medicine and Surgery  
Meeting Minutes  
July 25, 2008

The meeting of the Washington State Board of Osteopathic Medicine and Surgery was called to order by Daniel Dugaw, DO, Chair, at 9:15 a.m. The meeting was held at: Oxford Suites, 1701 East Yakima Avenue, Yakima, Washington 98901.

Board Members Present: Daniel Dugaw, DO, Chair  
William Gant, Public Member, Vice Chair  
Peter Kilburn, DO  
Roger Ludwig, DO  
Larry Smith, DO  
Catherine Hunter, DO

Staff Present: Blake Maresh, Executive Secretary  
Arlene Robertson, Program Manager  
Judy Young, Staff Attorney  
Melissa Burke-Cain, Assistant Attorney General

Guests Present: Kathie Itter, Executive Director,  
Washington Osteopathic Medical  
Association

Open Session

1. Call to Order
  - 1.1 Approval of Agenda

A letter from Secretary Selecky was added to the agenda as item 5.3.

Ms. Burke-Cain requested an item be added in Executive Session.

Both topics are informational only and do not require a board decision. The Agenda was approved as amended.

### 1.2 Approval of Minutes - May 9, 2008 meeting

The May 9, 2008 minutes were approved with one correction. Judy Young was omitted as an attendee. The minutes will be corrected before final posting.

### 1.3 Approval of Minutes - June 4, 2008 conference call minutes

The minutes of the June 4, 2008 conference call were approved.

### 1.4 Approval of Minutes - June 25, 2008 conference call minutes

The minutes of the June 25, 2008 conference call were approved.

## 2. Rules Hearing - 9:30 a.m.

WAC 246-853-630 Use of laser, light, radiofrequency, and plasma devices as applied to the skin (Osteopathic Physicians)

WAC 246-854-220 Use of laser, light, radiofrequency, and plasma devices as applied to the skin (Osteopathic Physician Assistants)

#### ISSUE

A hearing was held to consider proposed rules for Use of laser, light, radiofrequency, and plasma devices as applied to the skin (WSR 08-13-093).

#### ACTION

The rules clarify that the use of laser, light, radiofrequency, and plasma (LLRP) devices classified as prescriptive medical devices by the Food & Drug administration are the practice of osteopathic medicine. The proposed rules will define the delegation and supervision for the use of LLRP devices by osteopathic physicians and osteopathic physician assistants. The Board adopted the rules as written.

## 3. Scope of Practice Issues

### 3.1 Distribution of Federation of State Medical Boards (FSMB) physician's guide to Responsible Opioid Prescribing

Consider the FSMB grant offer to distribute their guide to Washington Osteopathic Physicians and Osteopathic Physician Assistants

ISSUE

Mr. Maresh explained that the FSMB is obtaining grants to assist with the distribution of the Physician's Guide to Responsible Opioid Prescribing. The Board was asked if they would be interested in having the book distributed to Washington licensees.

ACTION

The board members wanted to have an opportunity to review the book to see if it is compatible with their rules and guidelines. There were only four books for distribution. Mr. Maresh will request more copies from FSMB.

4. Rules in Process

4.1 Office-based Surgery - Administration of Sedation and Anesthesia, including necessary training and equipment requirements.

4.1.1 Ambulatory Surgical Facilities draft

4.1.2 Office Based Surgery Standards for Professional Conduct Medical Quality Assurance Commission (MQAC) draft - May 28, 2008

4.1.3 Generic draft re: use of sedation in office based surgery

ISSUE

The Board reviewed the draft language for the Ambulatory Surgical Facilities and the MQAC standards for office based surgery. These documents are still in development.

ACTION

The Board tabled a final decision until they have reviewed the final drafts by MQAC and the Podiatry Board. Staff will bring those for review when they are available.

4.2 Medical Marijuana Rules Proposal

ISSUE

Mr. Maresh advised the Board of the status of the medical marijuana rules which will define a 60 day supply. Since the Board has been added to collaborate with MQAC when new conditions for use of medical marijuana are approved, the rules information is provided as background.

ACTION

No action was required at this time.

5. Disciplinary Issues

5.1 Disciplinary Sanctions Workgroup - Progress  
report Catherine Hunter, DO/Bill Gant

5.1.1 Feedback letter from Martin Ziontz, General  
Counsel, on behalf of the Washington State  
Podiatric Medical Association

Mr. Gant participated in the first meeting which primarily dealt with preliminary issues. Dr. Hunter reported on the progress of the workgroup. The sanctions have been modified to be less onerous for unintentional first time violations or incidents that occur as a risk of the care or procedure. Dr. Hunter indicated that one more meeting is likely to finalize the guidelines and make recommendations to the Secretary.

5.2 Unintentional Poisoning Prevention Work Group -  
Progress report Larry Smith, DO

Dr. Smith reported on his attendance at the work group studying ways to decrease the incidents of overdoses on prescription opiates. This is going to be a complicated issue to address.

5.3 Letter from Secretary Selecky.

A letter to Dr. Dugaw from Secretary Selecky relative to recent media coverage of patient deaths associated with the practice of dentistry was shared with the other board members. The Board's standard has been to investigate all complaints that involve a death so a review is completed before a final disposition occurs.

6. Program Manager Reports

6.1 Budget Report - July 2008

6.1.1 New fee schedule

6.1.2 UW on-line library fee

A copy of the new fees was shared with the Board. Mr. Maresh shared information on the UW on-line library, HEAL-WA, which will be provided as a result of the access fee. Mr. Maresh indicated the UW is developing the ability for health care practitioners to access the on-line library. All licensees will be provided the information as soon as it is available.

The Board discussed the fee increases. The Board indicated there should be more input from the profession before fees

are raised. Mr. Maresh advised that he and Ms. Itter had been working together to get more information on the process so there can be better information in the future.

The budget report was inadvertently omitted from the packet. Staff will send the report to the board members.

## 6.2 Delegation of Signature Authority ISSUE

Due to staffing changes, the Board was asked to consider updating its delegation of signature authority.

## ACTION

The approval of routine licensing applications was discussed. Approval will remain with the Program Manager and Licensing Program Manager. The individual who approves applications needs to have an extensive knowledge of the requirements for licensure which includes which includes the changes in names of the osteopathic schools; differences of osteopathic and allopathic post-graduate training programs and how to verify training from programs that have closed; variations in examinations throughout the years; and the requirement for the osteopathic practices and principles examination; and practice patterns for the various specialties of medicine. The individual should also be familiar with Board rules and policies. The Board will still review all non-routine applications.

Signature authority for other matters, i.e., disciplinary documents, subpoenas, rules, etc. will be unchanged with the exception of removal of the Deputy Executive Director.

## 6.3 2009 Board Meeting Dates

The following dates were established for 2009.

January 30

March 27

May 29 (Tentative Yakima)

July 24

September 24

November 20

## 7. Executive Director Reports

### 7.1 Department/Division Updates

Mr. Maresh provided updates on the HSQA reorganization. He noted the Medical and Nursing pilots started on July 1st. He has retained the programs that are not under the Medical

Commission's authority from Section 5 and gained the programs that are not part of the Nursing Commission. It is likely some other professions may also be assigned to him.

Mr. Maresh indicated he has been working on a replacement for Ms. Robertson. It is anticipated an appointment will be made so Ms. Robertson will be able to provide some training before leaving. Other support staffing is also being pursued.

Mr. Maresh reported he had proposed increases to cost recovery and fines to the Department for consideration as a legislative proposal. Although he was not successful in getting the Department to sponsor the legislation, WOMA has shown interest pursuing the issue. He will continue to work with other professions who may also be interested in increasing the ability to recover more of the costs of disciplinary cases from those who are committing the violations.

#### 7.2 Program Enhancement

Due to the lack of time this item was postponed. It will be placed on the September agenda.

#### 8. Legislation Topics/Issues

See 7.1 above.

#### 9. (Open Session) Settlement Presentations

Deliberations are held in Executive Session.

9.1 Judy Young, Staff Attorney, presented the Stipulated Findings of Fact, Conclusions of Law and Agreed Order, Docket No. 07-06-A-10910P-M2007-11146, for Susan Petcoff, DO. As reviewing board member, Dr. Hunter was recused from the decision making process.

Deliberations were held in Executive Session. The respondent will be advised of the Board's decision by mail.

#### Closed Session

#### 10. Statement of Allegations/Stipulation to Informal

Disposition presentations (*Presentations are contingent upon agreements being reached between the parties prior to a board meeting.*)  
Deliberations are held in Executive Session.

No Stipulation to Informal Dispositions were presented.

11. Report Reviews/Investigative Authorizations  
Three reports were reviewed, one was forwarded to IIO.  
The following reports were closed below threshold:  
2008-127853  
2008-128056

12. Disciplinary Case Reviews - Reviewing Board Member Reports

<u>CASE NUMBER</u>	<u>CASE DISPOSITION</u>
2007-10-00130P	Refer for legal review.
2007-7598	
2008-01-00050P	Closed no cause for action; evidence does
2008-7760	not support a violation.
2008-124978	Closed no cause for action; unable to pursue
	without a whistleblower release.
2008-01-00070P	Forward to Legal for a SOA/STID.
2008-7663	
2008-01-00100P	Closed no cause for action; evidence does
2008-7601	not support a violation.
2007-12-00020P	Closed no cause for action; evidence does
	Not support a violation.

13. Compliance Issues

No compliance issues were discussed.

14. Application Review

One application for reinstatement was reviewed and approved.

15. Executive Session: Discussion of recent law suit filed that includes the Board.

Ms. Burke-Cain advised the Board of a recent law suit that has been filed in which the Board is named. Ms. Burke-Cain is assisting with the case. The Board will be kept advised of the status of the case.

Respectfully Submitted

Arlene Robertson  
Program Manager

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